

481—63.47(135C) Specialized license for three- to five-bed facilities. The specialized license is for residential care facilities which serve persons with mental retardation, chronic mental illness and other developmental disabilities having five or fewer residents as specified in Iowa Code section 225C.26. The facility is exempt from Iowa Code section 135.63. For this specialized license, all rules of 481—Chapter 63 apply except those which are deleted or amended, as indicated in subsequent rules.

63.47(1) The provider may apply for a specialized license from the department of inspections and appeals. Before the license is granted, the provider shall meet all of the following requirements:

a. Compliance with program requirements pursuant to Iowa Code chapter 135C and administrative rules relating to residential care facilities adopted by the state board of health, or standards adopted by the Accreditation Council for Services for Persons with Mental Retardation and Other Developmental Disabilities (1984). The program of care shall emphasize an age-appropriate and least restrictive program.

b. The facility shall be located in areas zoned for single- or multiple-family housing, or be located in an unincorporated area, and shall be constructed in compliance with applicable local housing codes and rules adopted for this classification of license by the state fire marshal. (II, III)

c. The facility shall be appropriately accessible to residents who have disabilities. (II, III)

d. Written plans shall demonstrate that the facility meets the needs of the residents pursuant to individual program plans meeting age-appropriate and least restrictive program requirements. (II)

e. Written plans shall demonstrate the residents have reasonable access to employment for job-related training, education, generic community resources, or integrated opportunities to promote community interaction. (II)

f. Unless documented as appropriate within the residents' individual program plans, populations with primary diagnosis of chronic mental illness or mental retardation/developmental disability may not be residents of the same specialized license facility. (II, III)

63.47(2) The housing for persons with mental retardation, chronic mental illness, and other developmental disabilities, developed pursuant to this rule shall be eligible for funding utilized by licensed residential care facilities for the mentally retarded.

63.47(3) Rescinded IAB 6/27/90, effective 8/1/90.

63.47(4) Rescinded IAB 6/27/90, effective 8/1/90.

63.47(5) The director of the department of inspections and appeals shall appoint a specialized license committee not to exceed nine members. This committee shall monitor the program rules and procedures adopted for this classification of license.

63.47(6) All conditions and criteria in 481—Chapter 63 apply to the specialized license with the exception of the following deletions: 481—63.7(135C), 63.8(2)“b,” 63.8(7)“b,” 63.13(1)“l,” 63.18(1)“b” (9), 63.19(1)“a,” “b,” “c,” 63.19(2)“c”(1), “e,” “g,” 63.19(4)“a,” “b,” “c,” “g,” “h,” “i,” “l,” “n,” “p,” “q,” “r,” “t,” 63.19(5)“b,” “c,” “d,” 63.21(1), (2), (3) “a” to “e,” (4)“a,” “b,” “c”(1) to (3), “d,” “e,” 63.21(5)“c,” 63.23(3)“c,” 63.23(4)“c,” “d,” 63.24(1), (7), (10), 63.25(10)“b,” 63.26(1) to (4), (6)“b,” 63.27(3) to (5), 63.28(1)“a,” “b,” “f,” “g,” “k,” “l,” “m,” “o,” 63.28(2)“c,” 63.28(3)“a,” “d,” “e,” “f”(3), “g”(2), 63.28(5)“b,” “i,” 63.28(9), 63.29(1), (4), (5), 63.33(6)“d.”

63.47(7) The following rules in Chapter 63 are amended for this specialized license as follows:

1. 63.3(1)“a” and 63.3(2)—Delete all references to 481—Chapter 60.

2. 63.8(1)“a”—Add “or qualified mental health professional (III)” after “qualified mental retardation professional”. (III)

3. 63.8(2)—Add “For purposes of the specialized license, the administrator may act as an administrator for not more than three residential care facilities for the mentally retarded, chronic mentally ill, and developmentally disabled.” (II)

4. 63.9(1)—Add “For purposes of the specialized license there shall be written personnel policies in all facilities to include hours of work and attendance at the education program.” (III)

5. 63.11(1)“a”—Delete the words “a managerial role of” in line 2.

6. 63.11(2)“b”—Delete the second sentence and “with 15 or less beds” in the third sentence.

7. 63.14(5)“b”—Add “or guardian” after “resident” in the first line.

8. 63.17(1)—Add a new paragraph: “v.Current Individual Program Plans (IPP)”.
 9. 63.17(5) “a” —Add “For the specialized license, a job description shall be in the individual’s personnel file.” (III)
 10. 63.19(2) “b” —Delete from the end “Recommended daily dietary allowances are:” Also delete subparagraphs (1) to (5).
 11. 63.19(2) “f” —Delete the second sentence.
 12. 63.19(3) “e” —Delete “for a minimum of a one-week period” in the first line.
 13. 63.19(4) “m” —Delete “smooth, washable,” in the second line.
 14. 63.19(4) “o” —Delete the second sentence.
 15. 63.19(4) “s” —Add “and rinse” after “wash” in the first line and then delete the rest of the sentence after “(60°C)”.
 16. 63.19(4) “w” —Change “or” to “and” in the first line and delete “,washing, sanitizing, and air-drying”.
 17. 63.19(5) “b” —Delete the second sentence.
 18. 63.19(5) “f” —Add “during food preparation” after “kitchen”.
 19. 63.24(9)—Change “nonslip” to “slip-resistant” in the first sentence.
 20. 63.25(1)—Delete the second sentence.
 21. 63.28(1) “j” —Change “on both sides” in the first line to “on at least one side”.
 22. 63.28(4) “n” —Change to read “Bedrooms shall have a minimum of 60 square feet for double, 80 square feet for single, and 100 square feet physical (wheelchair).” (III)
 23. 63.28(4) “o” —Change “four” to “two”.
 24. 63.28(5) “c” —Amend to read: “Minimum numbers of toilets and bath facilities shall be one for each five residents.” (III)
 25. 63.28(5) “d” —Amend to read: “There shall be a minimum of one bathroom with tub or shower, toilet stool, and lavatory on each floor in the multistory buildings.” (III)
 26. 63.28(5) “e” —Amend to read: “Grab bars shall be provided as needed.” (III)
 27. 63.33(8)—Change any reference of “responsible party” to “legal guardian”.
 28. 63.33(8) “c” —Delete “in the case of a confused or mentally retarded resident”. Change any reference of “responsible party” to “legal guardian”.
 29. 63.33(8) “d” —Change any reference of “responsible party” to “legal guardian”.
 30. 63.46(1)—Change any reference of “responsible party” to “legal guardian” and delete the rest of the paragraph after “state law”.
- 63.47(8)** “Qualified mental health professional” is a person who:
- a. Holds a master’s degree from an accredited educational institution with coursework relevant to the position for which the person is hired;
 - b. Has at least two years’ relevant experience supervised by a qualified mental health professional in assessing mental health problems and needs of persons in providing appropriate mental health services for those persons;
 - c. Holds a current Iowa license when required by Iowa licensure law.
- 63.47(9)** “Mental retardation” as used in this chapter shall also include the chronically mentally ill and the developmentally disabled for purposes of this specialized license.
- a. For the specialized license, “persons with mental retardation” means persons with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, manifested during the developmental period.
 - (1) “General intellectual functioning” is defined as the results obtained by assessment with one or more of the individually administered general intelligence tests developed for the purpose of assessing intellectual functioning;
 - (2) “Significantly subaverage functioning” is defined as approximately 70 IQ or below;
 - (3) “Adaptive behavior” is defined as the effectiveness or degree with which individuals meet the standards of personal independence and social responsibility expected for age and cultural group;
 - (4) “Developmental period” is defined as the period of time between conception and the eighteenth birthday.

b. For the specialized license, “persons with developmental disabilities” means persons with a severe, chronic disability which:

- (1) Is attributable to mental or physical impairment, or a combination of physical and mental impairments;
- (2) Is manifested before the person attains the age of 22;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of life activity; self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency; and
- (5) Reflects the person’s need for a combination and sequence of services which are of lifelong or extended duration.

c. For the specialized license, “persons with chronic mental illness” means adults aged 18 or older, with persistent mental or emotional disorders that seriously impair their functioning relative to such primary aspects of daily living as personal relations, living arrangement or employment. Persons with chronic mental illness typically meet at least one of the following criteria:

- (1) Have undergone psychiatric treatment more intensive than outpatient care more than once in a lifetime (e.g., emergency services, alternative home care, partial hospitalization or in-patient hospitalization);
- (2) Have experienced a single episode of continuous, structured supportive residential care other than hospitalization.

In addition, such persons typically meet at least two of the following criteria, on a continuing or intermittent basis for at least two years:

1. Are unemployed, or employed in a sheltered setting, or have markedly limited skills and a poor work history;
2. Require financial assistance for out-of-hospital maintenance and may be unable to procure this assistance without help;
3. Show severe inability to establish or maintain a personal social support system;
4. Require help in basic living skills;
5. Exhibit inappropriate social behavior which results in demand for intervention by the mental health or judicial system.

In atypical instances chronically mentally ill persons may vary from the above criteria.

63.47(10) For the specialized license, there shall be implemented an individual program plan (IPP) of goals and objectives for each resident developed using evaluations, assessments and progress reports. (II)

63.47(11) For the specialized license, “age-appropriate” shall mean activities, settings, personal appearance and possessions commensurate with the person’s chronological age.

63.47(12) For the specialized license, “least restrictive” shall mean the availability to the person of programs, services and settings that give the greatest opportunity for human development and to associate with and become part of the general society.

63.47(13) “Individual program plan” shall be a written plan for the provision of services to the person and, when appropriate, to the person’s family, that is developed and implemented, using an interdisciplinary process, which identifies the person’s and, when appropriate, the person’s family’s functional status, strengths, and needs, and service activities designed to enable a person to maintain or move toward independent functioning. The plan is developed in accordance with the developmental model, which is a service approach that recognizes and assumes the potential for positive change, growth, and sequential development in all people. (II)

a. An individual program plan shall be developed and implemented for each individual accepted for service, regardless of the individual’s chronological age or developmental level. (I, II)

b. The interdisciplinary team shall develop the plan. (II) For the purpose of the specialized license, the team shall include:

(1) The person, the person's legal guardian, and the person's family unless the family's participation is contrary to the wishes of the adult person who has not been legally determined to be incompetent; (II, III)

(2) The service coordinator or case manager; (II, III)

(3) All current service providers; and (II, III)

(4) Other persons whose appropriateness may be identified through the diagnosis and evaluation or current reevaluation. (III)

c. The person or the person's legal guardian has the ultimate authority to accept or reject the plan unless otherwise determined by court. (III)

d. The resident and the facility retain the rights of appeal and due process from the interdisciplinary team decisions. (II, III)

63.47(14) Goals and objectives shall be stated separately and a time frame shall be specified for their achievement. (II, III)

a. Each individual enrolled shall have an individual program plan. (II)

b. The initial individual program plan shall be developed within 30 calendar days after the individual is enrolled in this service. (II)

c. The individual program shall be developed by an appropriately constituted interdisciplinary team. (II)

d. The individual program plan shall state specific objectives to reach identified goals and shall identify the individuals responsible for implementation. (II, III)

e. Goals and objectives shall be stated separately. (II, III)

f. Goals and objectives shall be assigned projected evaluation completion dates and shall be reviewed at least annually. (II, III)

g. Goals and objectives shall be expressed in behavioral terms that provide measurable indices of progress. (II)

h. Goals and objectives shall be sequenced with a developmental progression appropriate to the individual. (II, III)

i. Goals and objectives of the individual program plans shall be assigned priorities by the interdisciplinary team and implemented with documentation of needed resources. (II, III)

j. The individual program plan shall be written in terms that are understandable to all concerned. (II, III)

63.47(15) Where implementation is a shared responsibility, the individual program plan shall identify the agencies or persons responsible for delivering the services required. (III)

63.47(16) A review of the individual program plan shall be made at least quarterly by a member or members of the individual's interdisciplinary team, as determined by the team, in order to ensure the continuing implemented appropriateness of the plan and any necessary action to be initiated. (II)

a. Problems or changes that call for review of the individual program plan by the team shall be indicated. (II)

b. The team shall be convened at least annually to review the individual program plan where problems or changes that call for review by the team are indicated. (II, III)

c. The team review shall assess the individual's response to activities designed to achieve the objective stated in the individual program plan. (II, III)

d. The team review shall modify activities or objectives as necessary. (II, III)

e. The team review shall determine the services that are needed. (II, III)

f. The team review shall include consideration of the advisability of continued enrollment or alternative placements. (II, III)